



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Larry Carr, Mayor Pro Tempore
Hedy L. Chang, Council Member
Greg Sellers, Council Member
Steve Tate, Council Member

REDEVELOPMENT AGENCY

Dennis Kennedy, Chair
Hedy L. Chang, Vice-Chair
Larry Carr, Agency Member
Greg Sellers, Agency Member
Steve Tate, Agency Member

WEDNESDAY, JULY 31, 2002

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

*A Special Meeting Is Called at 6:00 P.M. for the Purpose of
Conducting City Council and Redevelopment Agency Business.*

Dennis Kennedy, Mayor/Chairman

6:00 P.M.

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

INTERVIEWS

	Time Estimate		Page
1)	20 Minutes	<u>INTERVIEW TO FILL ONE VACANCY ON THE PARKS AND RECREATION COMMISSION</u>	1
		<u>Recommended Action(s):</u> Interview Applicants to Fill Vacancy on the Parks and Recreation Commission.	

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
2)	10 Minutes	<u>MAYOR AND CITY COUNCIL OFFICE SPACE</u>	3
		<u>Recommended Action(s):</u> Consideration of a Proposed Modification to City Council Office Space Plan Scheme.	

6:30 P.M.

City Council Action and Redevelopment Agency Action

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure/Initiation of Litigation

Authority: Government Code Sections 54956.9(b) & (c)

Number of Potential Cases: 2

2.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL AND EXISTING LITIGATION: CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Legal Authority: Government Code 54956.8 & 54956.9(a) & (c) (1 potential case)

Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Cochrane Road (St. Louise Hospital property)

City Negotiators: Agency Members; Executive Director; Agency Counsel; F. Gale Conner, special counsel; Rutan & Tucker, special counsel

Case Name: San Jose Christian College v. City of Morgan Hill

Case Numbers: Ninth Circuit Court of Appeal No. 02-15693

Closed Session Topic: Potential Existing Litigation/Real Estate Negotiations

3.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Government Code section 54956.9(a)

Name of Case: Hacienda Valley Mobile Estates v. City of Morgan Hill

Case No.: 02-15986

Attendees: City Attorney, City Manager, Director of Business Assistance and Housing Services

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

RECOGNITION

Fly Fishing Hall of Fame Inductee
Dan Blanton

Recognition of Youth Advisory Committee Member
Quinn Kennett

Art a La Carte Sponsors and Donors
Therese Luggner

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE DEPUTY CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY
CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

CONSENT CALENDAR: The Consent Calendar, Agenda Items #3 through #13, Items #14 and #15, and #16 and #17 may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
3)	<u>APPROVAL OF MINUTES OF JOINT SPECIAL CITY COUNCIL AND SPECIAL PLANNING COMMISSION WORKSHOP - JULY 10, 2002</u>	27
4)	<u>APPROVAL OF MINUTES OF JOINT SPECIAL CITY COUNCIL AND DOWNTOWN TASK FORCE MEETING - JULY 13, 2002</u>	29
5)	<u>RESPONSE TO GRAND JURY'S FINAL REPORT, EXAMINATION OF AUDITS AND FINANCIAL REPORTS</u> Recommended Action(s): <u>Authorize</u> Mayor Kennedy to Sign Letter Responding to the 2001-2002 Santa Clara County Grand Jury's Final Report, Examination of Audits and Financial Reports.	31
6)	<u>APPROVE PURCHASE OF A MINI-DUMP TRASH HAULER TRAILER</u> Recommended Action(s): 1. <u>Approve</u> Carry-Over of Funds Budgeted for This Purchase in FY2001-2002 to FY2002-2003 Budget; and 2. <u>Approve</u> the Purchase of \$5,421.27 For a Mini-Dump Carson Trailer, Model DT10.	35
7)	<u>FINAL MAP ACCEPTANCE FOR QUAIL CREEK PHASE I (TRACT 9427)</u> Recommended Action(s): 1) <u>Approve</u> the Final Map, Subdivision Agreement and Improvement Plans; 2) <u>Authorize</u> the City Manager to Sign the Subdivision Improvement Agreement on Behalf of the City; and 3) <u>Authorize</u> the Recordation of the Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.	39
8)	<u>FINAL MAP ACCEPTANCE FOR COYOTE CREEK (TRACT 9396)</u> Recommended Action(s): 4) <u>Approve</u> the Final Map, Subdivision Agreement and Improvement Plans; 5) <u>Authorize</u> the City Manager to Sign the Subdivision Improvement Agreement on Behalf of the City; and 6) <u>Authorize</u> the Recordation of the Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.	51
9)	<u>APPROVAL OF PROFESSIONAL SERVICES CONTRACT FOR THE SEWER LIFT STATION B IMPROVEMENT PROJECT</u> Recommended Action(s): <u>Authorize</u> the City Manager to Execute a Professional Services Contract With Freitas and Freitas Engineers in the Amount of \$20,100 for Design Services to Complete the Sewer Lift Station B Improvement Project.	63
10)	<u>AGREEMENT FOR ANNUAL TREE PRUNING</u>	69

Recommended Action(s):

1. **Approve** Agreement for Annual Tree Pruning With Shimada Landscape, Inc. in the Amount of \$63,500.00; and
2. **Authorize** the City Manager to Execute the Agreement on Behalf of the City.

11) AWARD FOR SIDEWALK, CURB & GUTTER REPLACEMENT PROJECT 77

Recommended Action(s):

1. **Approve** Carry-Over of funds Budgeted for This Project in FY2001-202 to FY2002-2003 Budget; and
2. **Award** a Purchase Agreement by Authorizing the Issuance of a Purchase Order to Osuna Concrete for the Construction of the Sidewalk, Curb and Gutter Replacement Project in the Amount of \$47,460.

12) APPROVAL OF PURCHASE ORDER FOR DEMOLITION OF TWO STRUCTURES LOCATED AT 665 BARRETT AVENUE AND 16627 CORY LANE FOR BUTTERFIELD BOULEVARD EXTENSION, PHASE IV PROJECT 81

Recommended Action(s): **Approval** of Purchase Order to Randazzo Enterprises, Inc. For the Demolition of Two Structures Located at 665 Barrett Avenue and 16627 Cory Lane in the Amount of \$21,726 for Butterfield Boulevard Extension, Phase IV Project.

13) APPROVAL OF LEASE OF NITRATE REMOVAL PLANT 91

Recommended Action(s):

1. **Appropriate** \$30,000 From Unappropriated Water Fund Balance to Fund a Temporary Nitrate Removal Plant at the Burnett Well Site; and
2. **Approve** Issuance of a Purchase Order to Ionics in the Amount of \$30,000 for the Lease of a Temporary Nitrate Removal Plant.

Redevelopment Agency Action

Time Estimate **Page**
Consent Calendar: 1 - 10 Minutes

14) PRELIMINARY JUNE 2002 FINANCE & INVESTMENT REPORT 95
Recommended Action(s): **Accept** and **File** Report.

15) AGREEMENT FOR OUTSIDE LEGAL COUNSEL (RICHARDS, WATSON & GERSHON) 107
Recommended Action(s):

1. **Authorize** Executive Director to Execute Consultant Agreement for Legal Services in FY2002-2003 with Richards, Watson & Gershon in the Amount of \$55,000.

City Council and Redevelopment Agency Action

Time Estimate **Page**
Consent Calendar: 1 - 10 Minutes

16) APPROVAL OF MINUTES OF JOINT SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING - JULY 10, 2002 119

17) APPROVAL OF MINUTES OF JOINT SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING - JULY 17, 2002 121

City Council Action

PUBLIC HEARINGS:

	Time Estimate		Page
18)	5 Minutes	<u>DEVELOPMENT AGREEMENT AMENDMENT DAA 00-12: EAST DUNNE - GREWAL</u>	151
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed.	
		Council Discussion.	
		Action - <u>Motion to Waive</u> the Reading in Full of Development Agreement Amendment (DAA) Ordinance No. 1576, New Series.	
		<u>Motion to Introduce</u> Development Agreement Amendment (DAA) Ordinance No. 1576, New Series by Title Only.	
		(Roll Call Vote).	
19)	15 Minutes	<u>ANNEXATION AND ZONING AMENDMENT APPLICATIONS, ZA-02-02: COCHRANE-BORELLO II</u>	161
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed.	
		Council Discussion.	
		Action- <u>Motion to Approve</u> Negative Declaration.	
		Action - <u>Motion to Waive</u> the Reading in Full of Zoning Amendment Ordinance No. 1577, New Series.	
		<u>Motion to Introduce</u> Zoning Amendment Ordinance No. 1577, New Series by Title Only.	
		(Roll Call Vote).	
20)	5 Minutes	<u>DEVELOPMENT AGREEMENT AMENDMENT DAA 01-04: CENTRAL-CENTRAL PARK</u>	179
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed.	
		Council Discussion.	
		Action - <u>Motion to Waive</u> the Reading in Full of Development Agreement Amendment (DAA) Ordinance No. 1578, New Series.	
		<u>Motion to Introduce</u> Development Agreement Amendment (DAA) Ordinance No. 1578, New Series by Title Only.	
		(Roll Call Vote).	
21)	3 Minutes	<u>DEVELOPMENT AGREEMENT AMENDMENT DAA 01-07: COCHRANE-MISSION VIEW</u>	189
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed.	
		Council Discussion.	
		Action - <u>Motion to Waive</u> the Reading in Full of Development Agreement Amendment (DAA) Ordinance No. 1579, New Series.	
		<u>Motion to Introduce</u> Development Agreement Amendment (DAA) Ordinance No. 1579, New Series by Title Only.	
		(Roll Call Vote).	
22)	10 Minutes	<u>ASSESSMENT OF HAZARDOUS VEGETATION MANAGEMENT PROGRAM CHARGES</u>	215

Public Hearing Opened.
Please Limit Your Remarks to 3 Minutes. Public Hearing Closed.
Council Discussion.
Action- **Motion to Adopt** Resolution 5605, Ordering the Final Report on the 2002 Hazardous Vegetation Program be Transmitted to the County Assessor's Office and That Liens Be Posted Against the Properties on the Report.

City Council Action

OTHER BUSINESS: (Continued)

	Time Estimate		Page
23)	10 Minutes	<u>SENIOR ADVISORY COMMITTEE RESOLUTION AND RECOMMENDATIONS REGARDING NUTRITION SITE PROGRAM</u>	227
		Recommended Action(s): Receive Resolution Adopted by the Senior Advisory Committee on May 7, 2002, and Statement of Recommendations Regarding Kitchen Facilities for the Senior Wing of the New Community Recreation Center.	
24)	15 Minutes	<u>ADOPT RESOLUTION SUBMITTING A MEASURE TO THE VOTERS AT THE NOVEMBER 5, 2002, ELECTION, SEEKING VOTER VALIDATION OF THE CITY'S EXISTING TRANSIENT OCCUPANCY TAX RATE; AND ADOPT RESOLUTION REGARDING REBUTTAL ARGUMENTS ON MUNICIPAL BALLOT MEASURES</u>	239
		Recommended Action(s):	
		1. Adopt Resolution No. 5606, Submitting a Measure to the Voters at the Municipal Election of November 5, 2002, Seeking Voter Validation of the City's Existing Transient Occupancy Tax; and	
		2. Adopt Resolution No. 5607, Authorizing Filing of Rebuttal Arguments Regarding Measures Submitted at Municipal Elections.	
25)	5 Minutes	<u>APPOINTMENT TO THE BOARD OF DIRECTORS OF THE MORGAN HILL DOWNTOWN ASSOCIATION</u>	249
		Recommended Action(s): Appoint a "City Liaison" Board Member to the Morgan Hill Downtown Association.	
26)	10 Minutes	<u>DESIGNATE VOTING DELEGATE TO THE LEAGUE OF CALIFORNIA CITIES' ANNUAL CONFERENCE AND CONSIDERATION OF CANCELLATION OF OCTOBER 2, 2002 CITY COUNCIL MEETING</u>	251
		Recommended Action(s):	
		1. Approve Appointment by Mayor of Voting Delegate and Alternate Voting Delegate to the League of California Cities Annual Conference,	
		2. Direct the City Clerk to Complete the Voting Delegate Form and Forward Said Form to the League of California Cities; and	
		3. Council Discussion and Direction Regarding Cancellation of the October 2, 2002 City Council Meeting.	
27)	10 Minutes	<u>COUNCIL VISITS TO RECREATION CENTERS FOR PROGRAMMING AND FACILITY COMPARISONS</u>	257
		Recommended Action(s):	
		1. Select a Sub-committee to visit Comparable Recreation Centers and Report Back to Council;	
		2. Authorize Sub-committee to Visit Comparable Recreation Centers in California	

3. and Colorado to Review Programming Spaces and Facility Layout; and
Return With Suggestions for the Design of the Proposed Community Recreation Center.

- 28) 7 Minutes **COMMUNITY AND CULTURAL CENTER GRAND OPENING CELEBRATION WEEK** 263
Recommended Action(s):
 1. **Appoint** a Council Member to Act as Chair of the Community and Cultural Center Grand Opening Celebration Week Committee;
 2. **Provide** a Date for the Kick-Off Planning Meeting; and
 3. **Provide** Staff with Suggestions on Whom to Recruit for the Volunteer Citizen Planning Committee.
- 29) 35 Minutes **COMMUNITY AND CULTURAL CENTER AND PLAYHOUSE FACILITY USE AND RESERVATION POLICIES** 265
Recommended Action(s):
 1. **Receive** Report and Review Comments From the Parks and Recreation Commission;
 2. **Provide** Comments to Staff; and
 3. **Direct** Staff to Prepare a Resolution to Incorporate the Proposed Facility Use Rental Fees and Reservation Policies for the Community and Cultural Center and Playhouse.
- 30) 5 Minutes **APPOINTMENT TO FILL ONE VACANCY ON THE PARKS AND RECREATION COMMISSION** 287
Recommended Action(s): **Appoint** One Applicant to Fill Vacancy on the Parks and Recreation Commission.

City Council and Redevelopment Agency Action

OTHER BUSINESS:

- | | Time Estimate | | Page |
|-----|---------------|---|------|
| 31) | 15 Minutes | <u>COMMUNITY AND CULTURAL CENTER</u> | 289 |
| | | <u>Recommended Action(s):</u> | |
| | | <ol style="list-style-type: none"> 1. <u>Provide</u> Direction Regarding Installation of An Upgraded Transit Shelter and <u>Appropriate</u> Up To \$30,000 As Required From the Redevelopment Agency Unreserved Fund Balance (Fund 317); 2. <u>Provide</u> Direction Regarding Installation of Upgraded Identification Signs and <u>Appropriate</u> Up To \$40,000 As Required From the Redevelopment Agency Unreserved Fund Balance (Fund 317); and 3. <u>Provide</u> Direction to Staff Regarding Naming Schemes For Buildings and Rooms at the Community and Cultural Center. | |

Redevelopment Agency Action

OTHER BUSINESS:

	Time Estimate		Page
32)	10 Minutes	<u>SELECTION OF ARCHITECTURAL SERVICES FOR AQUATIC COMPLEX PHASE I</u>	295
		<u>Recommended Action(s):</u> <u>Authorize</u> the Executive Director to Negotiate, Prepare and Execute a contract with ESL for the Purpose of Architectural Services for the Design and Construction of Phase One of the Aquatic Complex at a Cost Not to Exceed \$860,000.	

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT